

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA



Second Amended
**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY
ELECTRONIC MEANS**

(Approved for Implementation 4/19/04 via Standing Order #11)

	<u>Table of Contents</u>	<u>Page</u>
I.	Registration	
	A. Designation of Cases	1
	B. Passwords	1
	C. Registration	1
II.	Filing and Service of Documents	
	A. Filing	2
	B. Service	3
	C. Signatures	4
	D. Fees Payable to the Clerk	4
	E. Orders	5
	F. Attachments to Pleadings and Proof of Claim(s)	5
	G. Documents Filed Under Seal	6
	H. Title of Docket Entries	6
	I. Correcting Docket Entries	6
	J. Interrogatories	6
	K. Case Numbers	7
III.	Public Access to the System Docket	
	A. Public Access at the Court	7
	B. Internet Access	7
	C. Conventional Copies	8
	D. Privacy Provisions (effective 12/1/03)	8

Note: All referenced forms can be found on the Court's web site: **www.flnb.uscourts.gov**

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. DESIGNATION OF CASES

The Court shall designate which cases shall be assigned to the Electronic Case Filing System ("System"). The current implementation/activation date can be viewed at the Court's web site: **www.flnb.uscourts.gov**.

B. PASSWORDS

1. All Attorneys and limited use filers are required to use a password to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a log-in and password is governed by Paragraph I.C.
2. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.
3. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless that person is an authorized employee of that attorney's law firm.

C. REGISTRATION

1. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form and a Credit Card Blanket Authorization Form. He/she must also provide the Court with a current e-mail address for use with the System.
2. Limited filing is available for the following filers:
 - a. Attorneys appearing Pro Hoc Vice
 - b. Individuals authorized to prepare and file Proof of Claim(s)
 - c. Individuals authorized to appear on behalf of a child support creditor
 - d. Individuals authorized to file Motion to Withdraw Unclaimed Funds
 - e. Individuals authorized to submit Reaffirmation Agreements

Individuals desiring to file documents via this method must complete and sign an *Application For Limited Use Access to Electronic Case Filing System*.

3. All signed original Registration Forms and Credit Card Forms shall be mailed to the Court or delivered to either office of the Court.
4. Upon approval of the forms submitted, each attorney will receive their assigned System log-in and password from the Office of the Clerk. This information will be delivered according to the selection made on the registration form.
5. Once registered, an attorney may withdraw from participation in the System by providing the Court with written notice of such withdrawal. Upon receipt, the Court will immediately cancel the attorney's log-in and password and will delete the attorney's name from any applicable electronic service list.
6. If any of the information on the Registration form changes, e.g., mailing address, e-mail address, etc., the attorney must submit an Amended Registration form to the Court.

II. FILING AND SERVICE OF DOCUMENTS

A. FILING

1. All petitions, motions, pleadings, memoranda of law, or other documents, except for creditor matrices and orders, are to be converted into portable document format (.pdf) and filed directly on the System or via disk or other medium as directed by the Court. Creditor matrices are to be filed in a similar manner, but in text (.txt) format. Information regarding the formatting of Orders can be found in Paragraph II.E.
2. Judicial waiver will be required for counsel to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will proceed with steps to possibly strike the document.
3. For corporate entities that file more than twenty (20) proofs of claims in a calendar year, a judicial waiver will be required to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will proceed with steps to possibly strike the document.
4. Pleadings or other papers presented for filing by unregistered attorneys and/or parties via disk must contain a scanned or electronic copy of all original signatures.

5. Parties not represented by counsel or Pro Se individuals may file documents in hard copy format *except for those that fall under Paragraph II.A.3*. These documents will be scanned into .pdf format by the Clerk's Office and docketed into the System. The paper document will then be discarded without further notice, except for those under Paragraph II.C.3.b.
6. When filing emergency or expedited matters, the filing attorney shall immediately advise the judge's judicial assistant of the filing by phone. The telephone number for the judicial assistant is available on the Court's web site at **www.flnb.uscourts.gov**.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with these *Procedures*, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.
2. Participation in the System by receipt of a password provided by the Court shall constitute a request for service and notice by electronic means pursuant to FRBP 9036. Participants of the System, by possessing a password from the Court, agree to receive notice and service by electronic means both from the Court and from other System participants, wherever located.
3. An attorney filing a pleading or other paper electronically will serve the Notice of Electronic Filing by electronic means and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage prepaid, *if and only if* the recipient of the notice or service is either a registered participant in the System or has agreed in writing with the filer to accept such service in lieu of service by first class mail.
4. For all remaining parties, the filing attorney shall serve the pleading or other paper upon all entitled in accordance with applicable rules.
5. The following language is recommended for registered users of the System for certificate of service purposes:

"The following parties were served either by electronic or standard first class mail:"

(and then show the parties to whom service was rendered.)

C. SIGNATURES

1. The electronic filing of a petition, pleading, motion, claim, or other paper by an attorney or unrepresented party who is a registered participant of the System shall constitute the signature of that attorney or unrepresented party under FRBP 9011 and other applicable rules.
2. All pleadings and other papers and documents electronically filed shall either contain a scanned image of any signature(s) therein or for registered users, indicate the signature by putting “/s/ Jane Doe” where the original signature occurs.
3. Filing of Pleadings, Documents and Other Papers Requiring Original or Verified Signatures.
 - a. Electronic Filings by Registered Attorneys and Parties with Legal Representation.

Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in the System. A copy containing an original signature must be retained by the attorney who files such a petition, pleading, document or other paper for four (4) years after the closing of the case.

b. Pro Se Filings

The Court will retain and archive hard copies of Pro Se filings that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746.

D. FEES PAYABLE TO THE CLERK

Prior to the electronic filing of any pleading or paper requiring a filing fee, a Credit Card Blanket Authorization Form, which is available on the Court's web site, must have been received and approved by the Financial Administrator of the Office of the Clerk. All required fees must be tendered with the Court within one (1) business day of the date of electronic filing. If fees are not received in a timely manner, steps will be taken to either strike the pleading or dismiss the case, whichever is applicable.

E. ORDERS

1. All Orders are to be submitted electronically via e-mail to the following addresses:

Cases in the Tallahassee Office (Tallahassee, Gainesville, and Panama City Divisions):

TLH_Orders@flnb.uscourts.gov

Cases in the Pensacola Office (Pensacola Division and those assigned to Judges Mahoney and Shulman):

PNS_Orders@ flnb.uscourts.gov

2. Order related e-mails **must** conform to the following specifications:
 - a. The subject line must include the full case number, the last name of the debtor and/or plaintiff, abbreviated name for the Order, and the related item docket number. For example:

RE: 03-31234 - Doe – Order on Mtn for Relief - 24
 - b. The Order must be in word processing format and be an attachment to the e-mail.
 - c. Applicable language noting the consent and/or approval of parties at the time of submission.
3. Unless directed otherwise, the moving party shall submit the Order to the Court by e-mail.
4. All signatures, including those of unregistered users, are to be indicated by putting “/s/ Jane Doe” where the original signature occurs. In accordance with Paragraph II.C.3.a., any original signatures obtained for consent purposes are to be kept on file by the party submitting the Order.

F. ATTACHMENTS TO PLEADINGS AND PROOF(S) OF CLAIM

1. If a filed document includes exhibits or attachments, then such exhibits or attachments are to be attached to the document submitted for filing. If the filed document is set for hearing, hard copies of the exhibits or attachments shall be introduced at the hearing for possible admission to the official record.

2. Similarly, exhibits, attachments and/or supporting documentation for Proof of Claim(s) are to be attached to the Proof of Claim when submitted for filing. The creditor must provide a copy of the original documentation to any party objecting to its claim. In the event of a hearing on an objection to the claim, the Proof of Claim and all original exhibits, attachments and supporting documentation shall be introduced at the hearing for possible admission to the official record.
3. Exhibits and attachments that are not in paper format should be photographed so that they can be scanned or converted by the filer into portable document format for electronic submission into the System.

G. DOCUMENTS FILED UNDER SEAL

A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally and only after the motion is granted. The Order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Clerk and a paper copy of the Order shall be attached to the document(s) under seal and delivered to the Clerk at the time of the filing of the document(s).

H. TITLE OF DOCKET ENTRIES

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.

I. CORRECTING DOCKET ENTRIES

Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk.

J. INTERROGATORIES

File a Notice of Service of Interrogatories only. Do not file the entire set of interrogatories electronically. Upon request of the Court or party, the filer may be required to produce the interrogatories at issue in open Court or at another location.

K. CASE NUMBERS

Case numbers for pre-conversion cases will not change. For post-conversion cases, case numbers will be assigned in the following manner:

Current Tallahassee Bankruptcy Case Number:	03-70001
New Tallahassee Bankruptcy Case Number:	03-40001
Current Tallahassee AP Case Number:	03-9001
New Tallahassee AP Case Number	03-04001
Current Gainesville Bankruptcy Cases Number:	03-00001
New Gainesville Bankruptcy Case Number:	03-10001
Current Gainesville AP Case Number:	03-9001
New Gainesville AP Case Number:	03-01001
Current Panama City Bankruptcy Case Number:	03-20001
New Panama City Bankruptcy Case Number:	03-50001
Current Panama City AP Case Number:	03-9001
New Panama City AP Case Number:	03-05001
Current Pensacola Bankruptcy Case Number:	03-40001
New Pensacola Bankruptcy Case Number:	03-30001
Current Pensacola AP Case Number:	03-8001
New Pensacola AP Case Number:	03-03001

III. PUBLIC ACCESS TO THE SYSTEM DOCKETA. PUBLIC ACCESS AT THE COURT

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at each Office of the Clerk during regular business hours.

B. INTERNET ACCESS

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers of the Public Access to Court Electronic Records ("PACER") System. Information regarding subscribing to PACER is available on the Court's web site.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

D. PRIVACY PROVISIONS (EFFECTIVE 12/01/03)

In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference of the United States (Judicial Conference), at its September 2003 session, promulgated new Official Bankruptcy Form 21 (Official Form 21), Statement of Social Security Number(s). This form has been created to satisfy the requirement set forth in Federal Rule of Bankruptcy Procedure 1007(f) that a debtor must submit a verified statement of his or her Social Security number along with the debtor's petition.

1. With respect to petitions filed by electronic means via the Internet, the debtor's signature declaring under penalty of perjury that information in the petition is true and correct shall apply to the debtor's Social Security number as filed electronically with the petition.
2. With respect to petitions filed by electronic means on a computer disk, the debtor's attorney shall submit a copy of the Official Form 21 as a separate paper document with the Clerk at the same time the petition is filed.
3. With respect to petitions filed as described above, the filing attorney shall retain an originally executed copy of Official Form 21 until four (4) years after the closing of the case.
4. Attorneys shall not file or submit any additional statements or verifications of the debtor's Social Security number.
5. With respect to petitions filed on paper by unrepresented debtors, the debtor shall submit an original Official Form 21 as a separate paper document with the Clerk at the same time the petition is filed. The Clerk will retain these original documents until four (4) years after the closing of the case.
6. Originally executed copies of Official Form 21 will be maintained by the Clerk, but will not be accessible to parties, the bar or the public.